

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**MARIE CHESTER,**

**Plaintiff,**

**vs.**

**SAFECO INSURANCE COMPANY  
OF INDIANA,**

**Defendant.**

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**CIVIL ACTION NO. 3:20-cv-00079**

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. § 1446(a) and Local Rule CV-81(a), Defendant Safeco Insurance Company of Indiana (“Safeco” or “Defendant”) files this Notice of Removal, hereby removing this action from County Court at Law No. 1 of Dallas County, Texas to the United States District Court for the Northern District of Texas, Dallas Division. Removal is based on diversity jurisdiction because there is complete diversity between Plaintiff Marie Chester (“Plaintiff”) and Safeco, and the amount in controversy exceeds \$75,000 exclusive of interest and costs. In support of its Notice of Removal, Safeco respectfully shows the Court as follows:

**I.  
INTRODUCTION**

This dispute arises out of a claim for water damage to property located at 7419 Paldao Drive, Dallas, Texas. Plaintiff alleges that Safeco breached a policy of insurance and violated certain provisions of the Texas Insurance Code by, among other things, failing to fully pay Plaintiff’s claim for damages resulting from a water leak.

On December 10, 2019, Plaintiff filed her Original Petition in the County Court at Law No. 1 of Dallas County, Texas, naming Safeco as the sole defendant. Safeco was

served with a citation and a copy of Plaintiff's Original Petition on December 17, 2019 through its registered agent for service of process. Accordingly, this Notice of Removal is being filed within thirty (30) days of service of Plaintiff's Original Petition on Safeco and is thus timely filed under 28 U.S.C. § 1446(b). As explained below, removal is proper because there is complete diversity of citizenship between the parties, and the amount in controversy exceeds \$75,000.00.

## **II.**

### **BASIS FOR REMOVAL**

#### **A. THERE IS COMPLETE DIVERSITY OF CITIZENSHIP.**

Removal is proper because there is complete diversity between the parties. *See* 28 U.S.C. § 1332(a). Plaintiff has alleged in her Original Petition that she is an individual residing in Dallas County, Texas. *See* Plaintiff's Original Petition at ¶ 2. Thus, for diversity purposes, Plaintiff is a citizen of Texas. Safeco is a corporation organized under the laws of the State of Indiana with its principal place of business in Boston, Massachusetts. For diversity purposes, Safeco is a citizen of Indiana and Massachusetts. Accordingly, there exists complete diversity of citizenship between the Plaintiff and Safeco.

#### **B. THE AMOUNT IN CONTROVERSY EXCEEDS \$75,000.00.**

Generally, the amount in controversy for purposes of establishing federal jurisdiction should be determined by the plaintiff's complaint. *De Aguilar v. Boeing Co.*, 47 F.3d 1404, 1411-12 (5th Cir. 1995). Here, it is apparent from the face of Plaintiff's Original Petition that Plaintiff's claims exceed \$75,000.00 because Plaintiff has specifically pled that she "seeks monetary relief over \$100,000 but not more than \$200,000." *See* Plaintiff's Original Petition at ¶ 9. Thus, the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

**III.**  
**COMPLIANCE WITH PROCEDURAL REQUIREMENTS**

As required by Local Rule 81.1(a), filed concurrently with this Notice of Removal is a completed civil cover sheet, supplemental civil case cover sheet, and a signed Certificate of Interested Persons that complies with Local Rules 3.1(c), 7.4, and 81.2. Additionally, the following exhibits are attached:

- **Exhibit A:** Index of all documents filed in the state court action;
- **Exhibit B:** Transaction Sheet in the state court action and;
- **Exhibits C-1 through C-5** A copy of each pleading filed in the state court action.

Pursuant to Section 28 U.S.C. §1446(d), Safeco will give written notice of the filing of this Notice of Removal to all adverse parties promptly after the filing of same and will file a true and correct copy of this Notice of Removal with the Court Clerk of the County Court at Law No. 1 of Dallas County, Texas, promptly after the filing of same.

**IV.**  
**REQUEST FOR RELIEF**

Based on the foregoing, Defendant Safeco Insurance Company of Indiana respectfully requests that the above-styled action now pending in the County Court at Law No. 1 of Dallas County, Texas be removed to the United States District Court for the Northern District of Texas, Dallas Division. Safeco further requests all such other and further relief to which it is justly entitled.

Respectfully submitted,

/s/ Mark D. Tillman  
MARK D. TILLMAN

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**ATTORNEYS FOR DEFENDANT  
SAFECO INSURANCE COMPANY OF  
INDIANA**

**CERTIFICATE OF SERVICE**

In accordance with the FEDERAL RULES OF CIVIL PROCEDURE, on January 13, 2020, a true and correct copy of the above and foregoing instrument was served *via facsimile or electronic service* upon:

**ATTORNEYS FOR PLAINTIFF**

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/s/ Mark D. Tillman  
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